

REMARKS/ARGUMENTS

Claims 1-32 were pending in this application but have now been cancelled. New claims 33-70 are added.

Claims 1,2, 4-6, 9, 11, 13, 14, 16-18, and 21 have been rejected under 35 USC § 112 second paragraph as allegedly being indefinite.

Claims 1, 2, 4, 5, 6, 16-18, and 21 have been rejected under 35 USC § 102 (b) as allegedly being anticipated by US 6,012,887 to Kaibach.

Claims 1, 2, 4, 5, 6, 16-18 and 21 have been rejected under 35 USC § 102 (b) and allegedly being anticipated by US 4,797,044 to Velasco.

Claim 14 has been rejected under 35 USC § 103(a) as allegedly being unpatentable over Kaibach or Velasco further in view of US 4,943,195 to Fischer.

Applicants respectfully traverse these rejections. It is urged that the present claims directed to a different species, in particular a species which will include Figures 18, 20 and 22 are patentable over the prior art references which all relate to expandable bolt anchors for use in concrete or other building materials, where no groove is formed.

Applicants believe that there should be a reference in the claims to the platelike member in the main claim in order to define the invention clearly. This is why claim 33 specifies that the function carrier “is adapted for insertion into a metal or plastic plate . . . having a hole... with the hole having an internal diameter.” The claim then goes on to make it clear that the external diameter of the head part of the functional element corresponds to the internal diameter of the hole, that the ring region of the rivet sleeve has an external diameter greater than the internal diameter of the hole and that the tubular deformable region of the rivet sleeve is movable radially outwardly to a maximum diameter greater than the external diameter of the head part, thereby forming the groove

between the radially outwardly deformed region and the ring region which (in accordance with claim 2) traps material of the plate in the said groove.

Another way of presenting the invention is given in claim 70. Here applicants have described the function carrier completely independently of the metal or plastic plate. This claim does this by simply relating the external diameter of the ring region and the maximum diameter of the radially outwardly deformed tubular deformable region to the external diameter of the head part.

The new claims patentably distinguish over the three references cited by the examiner in the last official letter.

In this connection the examiner first refers to US patent 6,012,887 (Kaibach).

In order to have any chance of reading the Kaibach reference onto the present claims the examiner would have to interpret the item 8 shown in the drawing of Fig. 1 as being a rivet sleeve. However, if this is the case, the rivet sleeve does not have a ring region having an external diameter greater than an external diameter of the head part. Moreover, the deformable region of the sleeve 8 adjacent the head part is not a tubular deformable region but rather a region with tabs and slots as is evident from column 4, lines 45 to 48 which specify:

“At its end adjacent to the head portion 5, the expansion sleeve 8 is provided with expansion tabs 11 which are separated from each other by longitudinal slots 10.”

Thus the anchorage of the element shown in Kaibach et al in the constructional material takes place exclusively at the bottom of the blind bore in the region of the head part of the functional element. The material is not trapped in a groove between a ring region and a deformable tubular region of the rivet sleeve.

The examiner next refers to US 4,797,044 (Velasco). Velasco is further removed from the invention of claim 33 than the Kaibach reference.

The member 3 is in fact not a sleeve at all but rather a plurality of pieces (segments) with a basically prismatic shape (see col. 4, lines 45 to 48). Again, the several pieces 3 do not even remotely constitute a sleeve with a ring region having a diameter greater than that of the head part or having a tubular deformable region. In addition, in the Velasco reference, the transition between the shaft part and the head part of the functional element is not a concave rounded fillet but rather a conical formation.

Finally, the examiner refers to US 4,943,195 (Fischer). However, the expansible sleeve 4 of the Fischer reference cannot be equated with the rivet sleeve of the present invention. Again, it does not have a ring region having a diameter greater than the external diameter of the head part. It also does not have a tubular deformable region but is slotted lengthwise over a portion of its length (see col. 2, lines 61 to 67). Again, there is no concavely rounded fillet at the transition between the shaft part and the head part so that applicants fail to see that the Fischer reference could be considered relevant to the present claims.

Applicants believe that it is not necessary to comment on prior art previously considered by the Examiner. However, for completeness, applicants provide the following comments.

The Herb et al reference shows two different embodiments. In the embodiment of Figs. 1 and 2 (the embodiment of Figs. 3 and 4 is not relevant) there is a sleeve member having a tubular deformable region adjacent the head part of the functional element. The top end of the sleeve has an external diameter which corresponds to the internal diameter

of the hole, i.e. does not have an external diameter greater than said internal diameter and cannot therefore be considered to be the ring region required by the claim 33. In fact, the upper portion of the sleeve of the Fig. 1 and 2 embodiment appears (by looking at the drawing) to be only very slightly larger than the external diameter of the head part although applicants could see no wording in Herb et al which actually confirms this.

Of course, the Herb et al reference also does not show a concave rounded fillet at the transition from the shaft part into the head part of the functional element and it also weakens the rivet sleeve with an annular groove 2c which applicants assume is intended to facilitate the dilation of the tubular deformable region of the sleeve. Such a recess would be undesirable for the present invention because it would constitute a weakening of the sleeve which is undesirable.

Applicants urge that this application is now in condition for allowance and earnestly solicits early and favorable action by the Examiner. If the Examiner believes that issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned at 212-801-2146. The undersigned may also be contacted via e-mail at ecr@gtlaw.com.

AUTHORIZATION

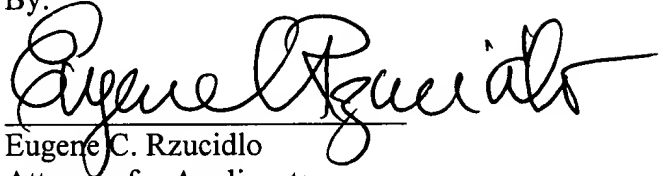
The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-1561.

Respectfully Submitted,

Greenberg Traurig, LLP

By:

Date: 11/09/05



Eugene C. Rzucidlo
Attorney for Applicants
Registration No. 31,900

Greenberg Traurig, LLP
200 Park Avenue
34th Floor
New York, NY 10166
(212) 801-9200